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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,518	10/15/2003	Takeshi Sakuragi	10517/190	4171

23838 7590 08/15/2005

KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005

EXAMINER

JACYNA, J CASIMER

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,518

Applicant(s)

SAKURAGI ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/15/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuzuki et al. (6,176,208). Tsuzuki discloses a valve device including a pair of facing electromagnets 51, 52, an armature 6, a retainer 7, a co-fastening assembly with two halves threaded together as shown in figure 1A with the upper half surrounding an urging member 22 (see claim 3). In regard to the product by process claims, such as 2 and 3, the patentability is determined by the product itself and Tsuzuki discloses the claimed product which could be manufactured by the recited processes as claimed.

3. Claims 1, 2, 4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 689 02 346. DE/346 discloses valve device including a pair of facing electromagnets 21a, an armature 22a, a retainer 20a, a co-fastening assembly 16 and a magnetic casing (see claim 4) disclosed on page 5, lines 1-6, as noted in the German search report filed 11/4/2004.

4. Claims 1-3, 5, 9, 10, 12, 17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatano et al. (6,237,50). Hatano discloses a valve device including

a pair of facing electromagnets 10, an armature 14, a retainer 6, 8, a co-fastening assembly 4, an urging member 24 (see claim 3) surrounded by a separate upper housing with a lubricating fluid supply 31 and reservoir surrounding 35.

5. Claims 1-3, 6-8, 11, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 796 981. EP/981 discloses a valve device including a pairs (as shown in figure 1b) of facing electromagnets 5, an armature 7, a retainer 4, a co-fastening assembly 3, an urging member 18 (see claim 3) surrounded by a separate upper housing. In regard to claim 7, note that electromagnets 5 are elongate as shown in figure 1b which length is into and out of the page in figure 1a.

6. Claims 1-3, 6-8, 11 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001 126922. JP/922 discloses a valve device including a pairs of facing elongate (see figure 3) electromagnets surrounding 12e, an armature 7, a retainer 1a, a co-fastening assembly 2, an urging member 5 (see claim 3) surrounded by a separate upper housing. In regard to claims 13-15, JP discloses connecting terminals on the left ends of 16 in figures 2 and 3.

7. Applicant's arguments filed 7/15/2005 have been fully considered but they are not persuasive. Applicant contends that the assemblies of Tsuzuki, Hatano, EP/981 and JP/922 are not integrated. However, one of the common definition for integrated is to unify an assembly of separate part into a whole. Applicant is contending integral construction as discussed in MPEP 2144.04 V5. But the word "integrated" is a different word and is not "integral" and both words are separately listed and separately defined in dictionaries. Tsuzuki clearly discloses an assembly of parts that are connected to act

Art Unit: 3751

as an integrated whole as claimed. Additionally, line 4 of paragraph 62 defines the casing to be an assembly of separate parts as is shown in figure 3. Therefore, it appears that Applicant's arguments are not commensurate with the disclosed invention since figure 3 shows an assembly of parts and not a one piece construction and paragraph 62 defines both types of construction, one piece or integral and an assembly of parts with the term integrated being broad enough to cover both embodiments or types of construction. It is suggested that Applicant specify the antecedent basis for the arguments in the specification.

Applicant contends that DE/346 does not disclose an armature. However, in electromechanical devices, the moving element is typically defined as the armature by those of ordinary skill in the art. Valve 21a is the moving part or armature of the electromagnetic device disclosed in DE/346.

Applicant contends that Hatano does not disclose a reservoir. However, Applicant's arguments are far narrower than the claim language because the claims do not define any structure or shape for the reservoir and the area surrounding 35 meets the limitations of a reservoir as called for in claim 19 and this reservoir is in the upper surface of the assembly as claimed. Applicant contends that Hatano does not include a clearance from a mounting surface side wall. However, the mounting surface recess for the electromagnets have two side wall, one on element 8 and the second on element 9. The coil contacts the wall surface on 9 as claimed and includes a clearance from the wall surface on 8 as defined by the coil cover clearly shown in the figures.

In regard to claim 18, Applicant contends that EP/981 does not disclose an angle. However, figures 1b, 2b, and 3b of EP/981 clearly disclose side by side pairs of valves and figures 1a, 2a and 3a clearly disclose these sets of valves to be disposed at an angle with respect to each other as claimed. Figure 1 of JP/922 clearly discloses a set of valves with pairs of electromagnets that are set at an angle as claimed.

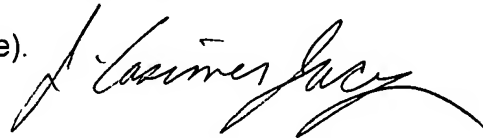
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ